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I. There is No Cause to Strike Matters;

Tandy's Allegation that PRSG Raised Issues Outside the Scope of Oppositions is without Merit.

In its *Motion* at I., Tandy alleges that PRSG “raise(d) new issues outside the scope of Tandy’s opposition.” We discussed seven general areas of issues in our *Reply to Oppositions to a Petition for Reconsideration (Reply)*. These areas were: FRS repeaters, transmitter time limits and external power supplies, relaxation of certain technical standards, clarification of the prohibition against interconnection, pre-transmission monitoring, and additional operating restrictions.

Each of these areas discussed was in direct response to items raised in Oppositions filed to our *Petition for Reconsideration (Petition)*. The discussion of *each* topic in our *Reply* cited the source in an Opposition.

Therefore, Tandy’s allegation that we “raised new issues outside the scope of Tandy’s opposition” is completely without merit.

II. Tandy Now Attempts to Change its Position on Use of FRS for Continuous One-Way Transmissions

In its Opposition to our *Petition*, Tandy’s original statement was:

“Parents, for example, may wish to monitor their children at play nearby the home using an external power supply for their FRS units.”

Now comes Tandy² complaining that somehow its language has been misinterpreted, or perhaps that Tandy merely made a poor choice of words. At issue in the sentence cited above are the words “monitor” and (implicitly) the second occurrence of the personal pronoun “their”.

In the first case, “to monitor” (as this concept, with specific reference to telecommunications systems, is universally recognized and used both by the telecommunications industry and by the

2 *Motion* at II.

citizen public) means to make a *passive, non-intrusive* or *non-interactive* observation, namely, an observation not requiring the active participation, the consent, or even the awareness of the party or the event being observed. Tandy itself recurrently uses the term “monitor” with *precisely* this same meaning.³

In the language quoted three paragraphs above, Tandy used the term “monitor” in a context that clearly indicated such *passive* or *non-interactive* behavior. Interpreting Tandy’s language to imply the use of an FRS transmitter as a “baby monitor” is entirely reasonable, despite Tandy’s subsequent protestations.

In the second case, the antecedent for the second occurrence of the personal pronoun “their” in the sentence cited above is *ambiguous at best*. Does this second occurrence refer to the parents or to the children? Since “children” is the most immediately preceding personal noun, the last three words suggest that it is the *children’s* FRS units that employ an external power supply. Children at play carrying an FRS unit would likely not tolerate being tethered to such an external power supply. Again, Tandy’s language suggests that the children’s externally-power FRS units are actually “baby monitors” instead of some kind of person-carried unit.

Tandy’s *Motion* now seeks to *modify* the meaning of its earlier language to suggest instead the following interpretation:

“Parents, for example, may wish to listen for a call from their children at play nearby the home, and may further wish to use an external power supply for the parent’s own FRS unit.”

If the FCC wishes to accept a Motion from Tandy to amend the language of Tandy’s original Opposition, that motion should be separately filed, although it is certainly tardy at this time. However, it would be *inappropriate* for the FCC to strike the language in the PRSG *Reply*. Tandy’s original language is clear and unambiguous in suggesting an operating mode (continu-

3 For instance, see its Opposition just two paragraphs following the language cited above.

ous, one-way transmissions) that is not compliant with the intent of the FRS as a shared, person-carried, two-way, voice radio service.

III. Tandy Misunderstands or Misrepresents the PRSG Concern about Continuous Transmissions and the Use of External Power Supplies

In our *Reply*, we cited language from the Owner's Manual for a Radio Shack Model PRS-102 (and similar language appears in owners' manuals for other Radio Shack transceivers) that cautions that the device should not be operated while the battery is being charged.

There are good engineering reasons for this precaution: For a slow-rate battery charger (of the type that typically takes 12 to 16 hours fully to charge a battery pack), the charging current is insufficient both to charge the battery and to power the device. The AC ripple that may be found on a poorly filtered battery charger may cause improper operation of the device. The higher voltages ultimately achieved when approaching the end of the charging cycle may be in excess of those appropriate for powering the device.

Now comes Tandy planning a device intended to operate not just on batteries but also as a "quasi-base station" (instead of a person-carried unit, as intended for the FRS) drawing its operating power from external sources. In light of Tandy's confusing language in its Opposition (discussed above), the concerns that we expressed in our *Reply* regarding continuous, one-way transmissions were quite reasonable and justified.

Furthermore, in planning to permit the use of an external power supply, Tandy has failed to explain how it intends to design an FRS unit to keep it from transmitting continuously or from being used as a "base station" (*i.e.*, from being operated at a fixed, stationary location rather than being carried on a person). Tandy has recurrently opposed a requirement for the use of transmit time-out timers. The obligation must fall on Tandy to demonstrate how its FRS units will not be operated in a continuous, one-way manner. (FCC policy is that it is by hardware design that such improper operations should be prevented.)

IV. Does Tandy Agree or Disagree with the Need for Clarification on the Prohibition Against Interconnection?

PRSG did *not* claim, as now alleged by Tandy⁴ that “many” GMRS users retransmit wireline audio. Our actual statement was:

“PRSG is aware of many radio stations (both in GMRS and in other services) which either retransmit wireline audio, or impose radio-received audio onto the wireline network, but which stations are arguably *not* fully interconnected.”

— PRSG Reply at V.

The most common combination of radio and wireline in GMRS is the use of a dial-up wireline to control a remote repeater transmitter, and in that same process to monitor signals on the repeater’s input frequency as a diagnostic tool to determine sources of interference or equipment malfunction. This is *not* “full interconnection” in the sense cited by Tandy,⁵ because no wireline audio is imposed on the radio transmission. This limited type of interconnection *is* permissible under GMRS Rules.⁶

PRSG has also received occasional reports of retransmission of wireline audio on GMRS frequencies. We have actively sought and obtained FCC enforcement against those impermissible GMRS/wireline “autopatch” systems that GMRS licensees bring to our attention.

A more recent phenomenon has been the transmission in GMRS and (especially) in certain other private land mobile radio services of voice messages collected from the public switched (wireline) network (PSN), but held in a “store-and-forward” configuration for delayed transmission. An argument made by operators of these systems is that since the radio/wireline interconnection does not provide *real-time two-way* communications, this activity does not constitute

4 *Motion* at III.

5 47 C.F.R. 20.3.

6 47 C.F.R. 95.127 and 95.141.

“full interconnection” in the sense envisioned in the various FCC rules that place limits on PSN interconnection.

In our *Petition*, we sought further clarification and definition of FRS/PSN interconnection, and we proposed specific rule language. In its *Opposition*, Tandy failed to understand the complexity of the interconnect issue, and did not recognize the myriad of variations that would apparently not fall under the prohibition of FRS/PSN interconnection as stated in the current FRS rules.

We welcome Tandy’s acknowledgement⁷ finally that some FCC clarification of the prohibition of FRS/PSN interconnection may be warranted. Tandy’s suggestion⁸ that it was inappropriate for our *Reply* to address this issue is clearly without merit. Tandy’s *Opposition*⁹ did indeed raise this issue of FRS/PSN interconnection, and we were entitled to address this issue specifically in our *Reply*.

V. In Conclusion.

Tandy’s claim that we raised issues in our *Reply* outside the scope of any of the *Oppositions* to our *Petition* is demonstrably erroneous. Each of the topics we discussed in our *Reply* dealt with concepts included in one of the *Oppositions*.

Tandy’s claim that it does not now support the use of FRS for continuous one-way transmissions seeks to change the clear and unambiguous suggestion of Tandy’s language in its earlier *Opposition*. As a minimum, Tandy now whines that it may have used inappropriate or improperly suggestive language in its *Opposition*, but the time period for Tandy to submit a correction or modification to its *Opposition* has since passed.

⁷ *Motion* at III.

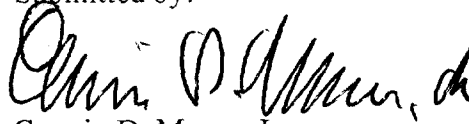
⁸ *Motion* at I.

⁹ At III.B., pages 6 and 7.

Tandy now concedes that some clarification of the language defining and prohibiting FRS/PSN interconnection is necessary. We welcome this concession, but it makes a lie out of the statement¹⁰ that Tandy has found no merit in our *Petition* and that the *Petition* should be denied.

For these reasons, Tandy's *Motion* should be denied.

Submitted by:

A handwritten signature in black ink, appearing to read "Corwin D. Moore, Jr.", written in a cursive style.

Corwin D. Moore, Jr.

Administrative Coordinator

Personal Radio Steering Group, Inc.

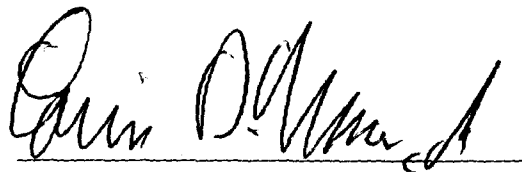
September 9, 1996

¹⁰ *Motion* at IV, "Conclusion".

Certificate of Service

I, Corwin D. Moore Jr., Administrative Coordinator of the Personal Radio Steering Group Inc, do hereby certify that a copy of the foregoing "Opposition to a Motion to Strike Portions of a Reply to Opposition to a Petition for Reconsideration" was also sent to the following party by First Class US Mail on Monday, September 9, 1996.

John W. Pettit
Richard J. Arsenault
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A handwritten signature in black ink, appearing to read "Corwin D. Moore, Jr.", written over a horizontal line.

Corwin D. Moore, Jr.
September 9, 1996